



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** The Public Record  
August 22 – August 28, 2014

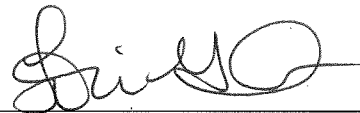
**DATE:** August 29, 2014

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## **ITEMS FILED FOR THE PUBLIC RECORD**

1. Letter from the ACLU of Northern California, Asian Law Alliance, Center for Media Justice, Coalition for Justice and Accountability, and Electronic Frontier Foundation to the Mayor and City Council, dated August 11, 2014, regarding "Need for public debate and new vote on drone use in San Jose."
2. E-mail from Brian Darby to the Mayor and City Council, dated August 20, 2014, regarding "For Rules and Open Government."
3. Letter from Shasta/Hanchett Park Neighborhood Association to the Mayor and City Council, dated August 25, 2014, regarding "Support for nominations for additions to the San Jose Heritage Tree list."
4. Letter from David Wall to the Mayor and City Council dated August 27, 2014, regarding, "The 'Fuel Cell' at WPCP is a 'Green Vision-Pig-in-a-poke,' costing the taxpayers dearly."
5. Letter from the Senior Citizens Commission to the Mayor and City Council, dated August 28, 2014, stating that a motion was passed to write a letter to the Mayor and City Council requesting that the Mayor and City Council support AB2171.
6. Letter from David Wall to the Mayor and City Council dated August 28, 2014, regarding, "Is Mayor Reed facilitating a 'Conflict of Interest' by his HCDC appointment?"
7. Letter from David Wall to the Mayor and City Council dated August 28, 2014, regarding, "Council's 'Drought Policy' does not prohibit more development for housing for tens of thousands of new residents and YOU want a 20% reduction in water use?"

8. Letter from David Wall to the Mayor and City Council dated August 28, 2014, regarding, "Mayor Reed should conduct a thorough Public investigation with a truthful report concerning alleged WPCP hiring practices before WPCP fails and releases RAW SEWAGE upon Alviso residents."
9. Letter from David Wall to the Mayor and City Council dated August 28, 2014, regarding, "Does the Housing Department Director have a Material Conflict of Interest with 'Non-Profits?'"



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Toni J. Taber, CMC  
City Clerk

TJT/slg

Distribution:	Mayor/Council	Director of Transportation
	City Manager	Public Information Office
	Assistant City Manager	San José Mercury News
	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance



August 11, 2014

*Via electronic mail and facsimile*

San Jose City Council  
200 East Santa Clara Street  
San José, CA 95113

**Re: Need for a public debate and new vote on drone use in San Jose**

Dear San Jose City Councilmembers:

We are very concerned that the San Jose Police Department sought funds and acquired an unmanned aerial vehicle, or drone, without any public debate. Community members did not have the proper opportunity to voice their concerns about the potential purchase of a drone, and City Council members were not able to vote on the budget request with these concerns in mind. The City Council should show its commitment to respecting civil liberties and civil rights by bringing this issue back for a robust public debate and a new vote.

Drones pose significant threats to privacy and free expression because they can operate surreptitiously, enable warrantless dragnet surveillance, and can be easily misused for discriminatory purposes. Before any community makes the important decision whether to unleash drones into the skies, it needs to engage in an open and informed debate. Recently, Alameda County, San Mateo County, and San Francisco have each considered and rejected drone purchases after properly weighing the benefits of the technology and the grave concerns of residents.<sup>1</sup>

Unfortunately, San Jose's drone purchase flew entirely under the community radar screen. This important decision was tucked into the November 19, 2013 consent calendar whose summary contained no reference to a drone.<sup>2</sup> There was no discussion about a drone during that meeting.<sup>3</sup> The only mention of the drone appears in a separate memo from Police Chief Larry Esquivel to the City Council that was linked to the meeting agenda.<sup>4</sup> It was not until almost nine months later that we learned about this purchase when the ACLU of Northern California and investigative reporters found documents and revealed the existence of the drone.<sup>5</sup>

<sup>1</sup> See Angela Woodall, *War on terror money funding drones, surveillance in the Bay Area*, San Jose Mercury News, Apr. 7, 2013, available at [http://www.mercurynews.com/top-stories/ci\\_22971059/war-terror-money-funding-drones-surveillance-bay-area](http://www.mercurynews.com/top-stories/ci_22971059/war-terror-money-funding-drones-surveillance-bay-area).

<sup>2</sup> City of San Jose, City Council Meeting Agenda (Nov. 19, 2013), available at <http://sanjoseca.gov/DocumentCenter/View/23727>.

<sup>3</sup> City of San Jose, City Council Meeting Minutes (Nov. 19, 2013), available at <http://sanjoseca.gov/DocumentCenter/View/27731>.

<sup>4</sup> Memo from Police Chief Larry Esquivel et al. to the San Jose Mayor and City Council (Nov. 1, 2013), available at <http://sanjoseca.gov/DocumentCenter/View/23693>.

<sup>5</sup> See Shawn Musgrave, "Despite Repeated Denials, San Jose Police Definitely Have a Drone," Vice, July 29, 2014, available at [motherboard.vice.com/read/despite-repeated-denials-san-jose-police-definitely-have-a-drone](http://motherboard.vice.com/read/despite-repeated-denials-san-jose-police-definitely-have-a-drone); Thomas Mann Miller, "San Jose Police Department's Secret Drone Purchase: Where's the Accountability?" ACLU of Northern California, July 30, 2014,

It is especially troubling that the City Council allowed the police department to purchase a drone without public debate in light of San Jose's history of police misconduct and discriminatory treatment of communities of color.<sup>6</sup> The Council approved the drone for "hazardous materials investigations," yet the police department has now admitted that it hopes to use it in far broader circumstances, such as situations it believes "threaten public safety."<sup>7</sup> We are particularly concerned that a drone in San Jose could end up being used to surveil political activities or target vulnerable communities.

The goal of building and maintaining community trust is hampered when invasive surveillance technologies are purchased without public input. We are forced to question why the City has taken a much more extensive and thoughtful approach with regards to the potential acquisition of another technology, police body cameras. Why did the City approve a drone purchase on consent without debate and analysis rather than initiating a process similar to that being utilized for body cameras? Why has there been no committee to study technology needs, evaluate potential systems, consider civil liberties concerns, and develop a comprehensive use policy before any next steps?<sup>8</sup> In other communities where implementation of surveillance technologies has been rushed, the result has been a waste of time and resources; Oakland has had to return federal grant money in connection with the scaling down of its Domain Awareness Center, and Seattle had to find a way to dispose of its drones after a huge community outcry.

The *San Jose Mercury News* recently emphasized the need for legal safeguards against drone use. Silicon Valley "needs to be proactive in helping write laws to prevent unwarranted intrusions into our privacy," the paper wrote in a strongly worded editorial last month.<sup>9</sup> It is very disappointing that in the capital of Silicon Valley, just the opposite has happened.

When communities are considering drones or other surveillance technologies that can easily be used to invade privacy and free expression, community members should be able to easily learn what is happening and why and have meaningful opportunities to weigh in early in the process. Here, the process fell very short.

The police department has acknowledged that it "should have done a better job of communicating the purpose and acquisition" of the drone to the community.<sup>10</sup> Now is the time to make sure that this now happens in the right way by putting the matter back onto the City Council agenda for a proper debate on the merits and a new vote. To avoid similar problems in

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available at <https://www.aclunc.org/blog/san-jose-police-departments-secret-drone-purchase-wheres-accountability>; Robert Salonga, "San Jose police drone inflames surveillance-state rumblings," *San Jose Mercury News*, July 30, 2014, available at [http://www.mercurynews.com/crime-courts/ci\\_26253376/san-jose-surveillance-state-rumblings-inflamed-by-sjpd](http://www.mercurynews.com/crime-courts/ci_26253376/san-jose-surveillance-state-rumblings-inflamed-by-sjpd); Vivian Ho, "New San Jose police drone awaits guidelines for its use," *San Francisco Chronicle*, August 1, 2014, available at <http://www.sfgate.com/crime/article/New-San-Jose-police-drone-awaits-guidelines-for-5661123.php>.

<sup>6</sup> See history of San Jose in 2013 Report of the Independent Police Auditor, <http://www.sanjoseca.gov/index.aspx?nd=702>.

<sup>7</sup> Press Release,

San Jose Police Provide Statement Regarding Purchase of Unmanned Aerial System (UAS), Aug. 5, 2014, available at: <https://www.sjpd.org/inews/viewPressRelease.asp?ID=1874>.

<sup>8</sup> Memo from Police Chief Larry Esquivel to the San Jose Mayor and City Council (Mar. 19, 2014), available at <http://www.piersystem.com/external/content/document/1914/2126242/1/03-21-14Police.PDF>.

<sup>9</sup> *San Jose Mercury News*, "Editorial: Drone law is urgent for California," June 6, 2014, available at [http://www.mercurynews.com/opinion/ci\\_25905222/mercury-news-editorial-drone-law-is-urgent-california](http://www.mercurynews.com/opinion/ci_25905222/mercury-news-editorial-drone-law-is-urgent-california).

<sup>10</sup> Press Release,

San Jose Police Provide Statement Regarding Purchase of Unmanned Aerial System (UAS), Aug. 5, 2014, available at: <https://www.sjpd.org/inews/viewPressRelease.asp?ID=1874>.

the future, the Council should also reform its procedures for properly engaging the public when surveillance technology is being considered.<sup>11</sup>

We will contact your office to schedule a meeting so that we can discuss next steps to ensure that city agencies are working to protect both public safety and civil rights.

Sincerely,

American Civil Liberties Union of Northern California

Asian Law Alliance

Center for Media Justice

Coalition for Justice and Accountability

Electronic Frontier Foundation

**cc:** Mayor Reed, Vice Mayor Nguyen, Councilmembers Constant, Kalra, Liccardo, Chu, Campos, Oliverio, Herrera, Rocha, and Khamis, and The Honorable LaDoris H. Cordell (Ret.), San Jose Independent Police Auditor.

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<sup>11</sup> The San Jose police department's own recommendation to purchase the drone acknowledges that no additional process to facilitate public notice or community meetings was necessary under current City law. *See* Memo from Police Chief Larry Esquivel et al. to the San Jose Mayor and City Council (Nov. 1, 2013), available at <http://sanjoseca.gov/DocumentCenter/View/23693>.

PUBLIC RECORD 2**From:** brian darby**Sent:** Wednesday, August 20, 2014 12:33 AM**To:** District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Chuck Reed**Subject:** For Rules and Open Government

I would be very grateful if you would make sure this makes it to the people at rules and open government. I could not write a letter do to carpel tunnel syndrome and I finally got my speech to text program working. One other concern I have a sever visual issue and often need very large text to be able to read. I have notices at the city council meetings we are only allowed to bring papers to the podium, I am a special education instructor and many of my students use computers to communicate, basically this means they are not allowed to speak at city council meetings because of this limitation. Basically that is illegal given the ADA and other federal and State regulations. I would like the council to consider such issues when they can.

My comments for open government, if you can include this entire email I would deeply appreciate it. Thank You.

Dear Mayor Reed and City Council;

I am unable to attend the Rules and Open Government meeting because I have employment obligations. I wanted to add my support for Mr. Wall's several requests for documentation via the open government process. Mr. Wall is a well-informed citizen who takes time out of his busy schedule to attend many meetings and offers an informed perspective to many issues that challenge the city. I respectfully request that you honor Mr. Wall's request for information.

For citizens to make informed decisions they need All of the information available to them. Mr. Wall's requests seem reasonable and I will be honest oftentimes his comments during open forum appeared to be ignored. One would think the city should honor an individual who takes the time to come out and interact with the Council and other administrative bodies. Because I worked several jobs I'm unable to attend these sessions but watch them online. Some committee/Council meetings I watch several times to try to understand the interaction between the participants in the city Council. When the open forum takes place I see some city Council people not really paying attention. When a citizen waits 2, 3, 4 to make a two-minute comment the city Council has a sacred obligation to just listen. That does not happen. Often these comments are blown off with a smile and a smug comment. That's just my observation, and I could be wrong, but that is how many in San Jose feel about their interactions with the city Council. That should be seen as a disgrace.

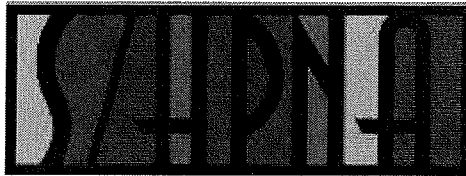
Your time is no more valuable than our time, you have the sacred honor of serving the citizens of the city of San Jose. That means you listen when we speak. You may not agree with us and that is understood but you should LISTEN. I understand you have a very hard job, just like everybody else that works in Silicon Valley. Mr. Wall offers commentary that is reflective of many other citizens who cannot make it to all of these meetings during the day. So I respectfully request that you approve his request for documents in several memos that can be legally disseminated to the public. A public official folding – allow my voice to join in the chorus of public comment. I don't feel that way my voice is ignored like most of the public. Granted this is not quote actually" true: but it is how many "feel" in San Jose. I know you ladies and gentlemen of the Council try very hard to service. The city has been through a very hard time, we suffered a "recession" which was actually

a depression less than three or four years ago. This "recession" was brought about by speculative real estate shenanigans through many financial institutions. The hyper development that is going on in the Valley reflects the environment that was pre-recession not so many years ago.

These institutions and speculators almost ended Western civilization, that is not an over dramatization. Granted they made many billions of dollars and that may justify what they did/no it always justifies what they did even if it was illegal. I have found that you city Council members are honorable people I vehemently disagree with you but I refuse to believe that any of you are "dishonest" or involved in some type of "conspiracy". Please provide the information that Mr. Wall requests it will allow us citizens who want to be involved in the process to make a more informed decision.

Thank you very much for your consideration I do hope you have a wonderful weekend. Again thank you

Brian Darby



Shasta/Hanchett Park Neighborhood Association  
P.O. Box 28634 - San Jose, CA 95158 - 1408shpna.org - www.shpna.org

August 25, 2014

San Jose City Council  
San Jose City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

**RE: Support for nominations for additions to the San Jose Heritage Tree list**

Dear Mayor Reed, Members of the San Jose City Council,

I am writing on behalf of the Shasta/Hanchett Park Neighborhood Association (S/HPNA), a volunteer-based community organization founded in 1985 to protect and advance the interests of the Shasta/Hanchett Park, St. Leo's, Garden Alameda, and Cahill Park neighborhoods. S/HPNA provides and promotes programs and activities aimed at building community and fostering civic involvement. The preservation of the historic character of our community is an important aspect of our association's mission and we wholeheartedly support the **San Jose Heritage Tree program** to recognize and protect trees of special significance to our neighborhood. In particular, large ancient shade trees are unfortunately not sufficiently represented in our historic neighborhood.

Therefore we endorse the City Arborist's nomination of the **Deodar Cedar (*Cedrus deodara*) at 1698 Hanchett Avenue** as a San Jose Heritage Tree when the City Council votes on additions to the Heritage Tree list. This particular tree is part of a Certified Wildlife Garden that was certified in the 1990s by the National Wildlife Federation. If this Cedar becomes a Heritage Tree, it will be the largest diameter and one of our tallest if not the tallest tree in our neighborhood and possibly in San Jose.

S/HPNA would also like to take this opportunity to nominate the **Coast Live Oak (*Quercus agrifolia*) at the City of San Jose Theodore Lenzen Park** on Lenzen Avenue for inclusion on the San Jose Heritage Tree list. Due to its tremendous size and age, the community gathered around this tree to save it from destruction during the construction of the high-density urban housing around it, and it has become the centerpiece of Theodore Lenzen Park, providing shade for the many users of this neighborhood park.

In summary, we strongly support the inclusion of these two trees to the City of San Jose Heritage Tree list, and fully endorse the nomination and extension process. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eloy Wouters', is written over a horizontal line.

Eloy Wouters  
President  
Shasta/Hanchett Park Neighborhood Association

cc: Mr. Ralph L. Mize, San Jose City Arborist  
cc: Kathryn Matthewson



David S. Wall

RECEIVED  
San Jose City Clerk  
2014 AUG 27 PM 2:28  
AT JTC

August 27, 2014

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905**Re: The "Fuel Cell" at WPCP is a "Green Vision-Pig-in-a-poke," costing the taxpayers dearly.****Mayor Reed and Council were warned that the Fuel Cell was a bogus and costly boondoggle.****But, the lure of the "Green Vision" and "Green jobs" tickled their fancies and the clowns authorized it.**Dateline: City Desk [Wednesday, (08.27.14)]. *The Fuel Cell is a "Jackass Green Vision Gimmick" and failure.*

Below is the text of a pending (since 08.21.14) Request for Public Record information.

**"Request for PUBLIC RECORD INFORMATION: [WPCP Fuel Cell costs]"****This request for Public Record information concerns itself with the San José / Santa Clara Water Pollution Control Plant (WPCP).****This request focuses on the "Fuel Cell" at the WPCP.****I request:****The date when the "gas holders" failed.****Did BLP Engineering submit plans for "gas-holders?" If so, copies of all Memorandums please.****Identify all City of San José engineers who "signed -off" on BLP Engineering's work.****The date when WPCP had to purchase natural gas from PG&E to power the Fuel Cell.****Copies of invoices from the date of purchase of natural gas from PG&E to the present to power the Fuel Cell.****Identity of the Fuel Cell Owner / Operator.****Is WPCP bound by contract to purchase electricity from the Fuel Cell that is at a higher rate than that charged by PG&E?"**

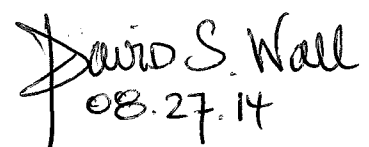
As you all will recall the Fuel Cell at the San José / Santa Clara Water Pollution Control Plant (WPCP) is another failure in a long line of harebrained ideas flowing from the "Perennial Dumb Ideas" sector of the Environmental Services Department (ESD). This raises a couple of questions, "Has ESD Senior Staff mastered the black arts of Voodoo to easily and routinely "snooker" Council or is Council, naturally prone to authorizing really dumb ideas from ESD as long as the ideas are linked in some way to the Green Vision?"

Personally, I like Mayor Reed and Council. I have in the past and will continue in the future to inform and warn the elected folk so they won't be "buffaloed into authorizing" really bad projects that emanate from ESD and or other city departments where the sole expressed qualification for management is having "shite for brains."

With reference to the "Fuel Cell" at WPCP check-out the following as a tidbit to wet your inquisitive appetites.

[http://www3.sanjoseca.gov/clerk/Agenda/101607/101607\\_07.02.pdf](http://www3.sanjoseca.gov/clerk/Agenda/101607/101607_07.02.pdf)

I have enclosed page (10) for the PUBLIC RECORD for this page has some juicy details for future discussions.

**Cc: City Attorney / City Auditor / City Manager****Respectfully submitted,**  
08.27.14

ATTACHMENT - A

City Council Agenda  
Item 7.2 10/16/2007

Comparison of Energy Generation Options at the SJ/SC Water Pollution Control Plant

	1.2 MW FUEL CELL	1.2 MW ENGINE GENERATOR	PG&E
<b>Capital Costs</b>			
Construction	\$8,724,100	\$4,860,000	-
PG& E Rebate	(\$4,500,000)	(\$1,000,000)	-
Emission Reduction Credit	-	\$300,000	
Net Capital Costs	\$4,224,100	\$4,160,000	
<b>Annual Costs</b>			
Annual O&M Cost	\$443,626	\$300,000	
Annual Fuel Cost	\$413,000	\$523,000	-
PG&E Costs	\$65,000	\$128,000	\$1,200,000
By-Product Value (Hot Water)	(\$50,000)	-	-
Total Annual Costs	\$871,626	\$951,000	
Annual Savings (Compared to PG&E costs)	\$328,374	\$249,000	-
Payback in years	13	17	
<b>Environmental Factors</b>			
Green House Gas Emissions ( CO2)	26,700 lbs/day	32,200 lbs/day	-
Air Pollutants (NOx, CO, POC)	3 lbs/day	260 lbs/day	-
Air Permit	None	Ongoing compliance testing; less regulatory certainty	-
Policy Alignment	<ul style="list-style-type: none"> <li>♦ Sustainability</li> <li>♦ Green House Gas Goals</li> <li>♦ Energy Self Sufficiency</li> </ul>	<ul style="list-style-type: none"> <li>♦ Energy Self Sufficiency</li> </ul>	-

RECEIVED  
SENIOR CITIZENS COMMISSION2014 AUG 28 PM 12:49  
ST OTCCity of San Jose, Parks, Recreation and  
Neighborhood Services  
200 East Santa Clara Street, 9<sup>th</sup> Fl.  
San Jose, California 95113  
Tel: (408) 535-3570  
Fax: (408) 292-6299

August 28, 2014

Mayor Chuck Reed  
Members of the San José City Council  
City Hall  
200 East Santa Clara Street  
San José, CA 95113

Dear Honorable Mayor Reed and City Council:

On behalf of the San José Senior Citizens Commission, I am advising you that the following motion was passed by majority vote at our June meeting:

Senior Commission to write a letter to the Mayor and City Council asking Council to support AB2171.

This issue was referred to the Senior Commission by Councilperson Rocha in order for us to make a recommendation. The following is taken from the introduction to this Assembly Bill:

"This bill would establish specified rights for residents of privately operated residential care facilities for the elderly, including, among other things, to be accorded dignity in their personal relationships with staff, to be granted a reasonable level of personal privacy of accommodations, medical treatment, personal care and assistance, and to confidential treatment of their records and personal information, as specified. The bill would require, at admission, a facility staff person to personally advise a resident and the resident's representative, as described, of these and other specified rights and to provide them with a written copy of these rights."

The Senior Commission urges the Council to take a support position on this Bill in order to help protect some of the most vulnerable members of our Community.

Sincerely,

Marie Hayter  
Vice Chair, Senior Commission Joyce R. Brown, chair, Senior Commission

cc: Pete Constant, Councilmember, Dist. 1  
Edward Shikada, City Manager  
Elizabeth Klotz, City Attorney  
Julie Edmond-Mares, PRNS Director  
Angel Rios, PRNS Assistant Director  
Suzanne Wolf, PRNS Deputy Director  
Andrew Freeman, PRNS Division Manager  
Mary O'Meara, PRNS Recreation Superintendent  
Toni Taber, City Clerk  
Ash Kalra, Council District 2  
Sam Liccardo, Council District 3  
Kansen Chu, Council District 4  
Xavier Campos, Council District 5  
Pierluigi Oliverio, Council District 6  
Madison Nguyen, Vice Mayor, Council District 7  
Rose Herrera, Council District 8  
Donald Rocha, Council District 9  
Johnny Khamis, Council District 10  
Chelsey Seagraves, Assistant to CM Constant  
Mayor's Policy Analyst  
Correspondence Binder

David S. Wall

RECEIVED  
San Jose City Clerk

2014 AUG 28 PM 4:53

dt otc

August 28, 2014

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Is Mayor Reed facilitating a "Conflict of Interest" by his HCDC appointment?****Appointing a "Destination: Home Employee" to the HCD Commission is a "Conflict of Interest."****Allowing the Housing Director to be a "Destination: Home Leadership Board Member" is also bad.**Dateline: City Desk [Thursday, (08.28.14)]. *Mr. Mayor, You'll have to explain your position on these matters.*

Mr. Mayor, did you knowingly appoint a "Destination: Home employee to the Housing and Community Development commission?

Check-out: <http://www.linkedin.com/in/amandadmontez>

Are you actively "salting" city commissions with people who advocate your political positions?

Inquiring minds want to know.

*Respectfully submitted,**David S. Wall*  
08.28.14///  
///  
///

# HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

(Consolidation of Housing and Community Development Commission, Mobilehome Advisory Commission and Advisory Commission on Rents)

SJMC Sections: 2.08.200, 2.08.2800, 2.08.3400 and 17.23

Commission Staff: Theresa Ramos (408) 975-4445 (Housing)

Website Coordinator: Theresa Ramos

Meets: 2nd Thursday, 5:45 P.M., City Hall, Rooms W118-W119

13-Member Commission: 11 Members appointed by the Mayor and City Council; One (1) member shall be a person recommended by an organization of owners of San José mobilehome parks; One (1) member shall be a person recommended by an organization of owners of San José mobilehome parks; several commission members should be lower income persons; Five (5) members of the Commission must be Low- or Moderate-Income representatives meeting any one of these requirements: 1) Low- or moderate-income person as defined by HUD; 2) Elected member of a neighborhood organization in a low- or moderate-income neighborhood (51% of the neighborhood is at or below 80% of the area median income as defined by HUD); 3) Resident of one of the place-based neighborhoods identified as a target for HUD funds; or 4) Employed by an organization and its primary purpose is to serve the interests of low-income residents.

Recruitment Process: Council Nomination

Conflict of Interest Check Needed: ☒ Yes ☐ No

Appointed By: City Council

Term Limit: Up to two 4-year terms for a maximum of 8 years\*\*

Required (If ☒): ☒ Code of Ethics ☒ Forms 700 & FGR ☐ Ethics Training

Council Liaison: Rose Herrera

<u>NOMN</u> <u>DIST</u>	<u>MEMBERSHIP</u>	<u>DATE</u> <u>APPT</u>	<u>TERM</u> <u>ENDS</u>	<u>HOME</u> <u>DIST</u>	<u>ELIGIBLE</u> <u>REAPPT</u>
1	O'Connell, Martha	04/29/14	06/30/17	9	Yes
2	Angulo, Jaime	04/29/14	06/30/15	3	Yes
3	Gill, Robert	04/29/14	06/30/17	8	Yes
4	Ruiz, Nicole	04/29/14	06/30/15	4	Yes
5	Ngo, Patrick	12/04/12	06/30/17	5	No
6	Nash, Winona	04/29/14	06/30/15	6	Yes
7	Ellak, Lee	06/02/09	12/31/14	7	No
8	Virgilio, Quincy	04/29/14	06/30/15	8	Yes
9	Dormanesh, Star	04/29/14	06/30/17	9	Yes
10	Abay, Kassa	04/29/14	06/30/15	10	Yes
→ Mayor	Montez, Amanda	04/29/14	06/30/17	3	Yes
CAAC-ML *	Cox, Donna	10/27/09	12/31/14	4	No
CAAC-MR **	Graves, Mike R.	12/09/08	12/31/14	3	No

\* Mobilehome Landlord Representative

\*\* Mobilehome Tenant Representative

David S. Wall

RECEIVED  
San Jose City Clerk

August 28, 2014

2014 AUG 28 PM 4: 54  
AT JTC

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Council's "Drought Policy" does not prohibit more development for housing for tens of thousands of new residents and YOU want a 20% reduction in water use?**

**"A Sewer Hook-UP Moratorium" should have been an integral piece of the "Drought Policy."**

**What do you call politicians who want residents to reduce 20% and permit unbridled residential growth?**

**I call them, "Arrogant-in-the-Developer's-pocket-A\*\*holes!"**

Dateline: City Desk [Thursday, (08.28.14)]. *Screw a 20% water reduction and unbridled residential growth!*

It is really tough to be polite on the Drought Policy issue. So, I won't even try.

You don't deserve any respect or politeness with reference on the Drought Policy issue.

YOUR cumulative failures concerning San José's water supplies, the diminution of property values and the lowering of life-styles, predicated on YOUR addiction for unbridled residential growth is disgustingly vomitous.

None of YOU has shown the slightest modicum of leadership concerning California's worst drought in several decades.

Since 1989 when my wife and I moved into to our home, I have saved water from washing / rinsing dishes, and shower water during all times even during times of heavy rains. I need no lecture from anyone on how to save water nor do I advocate the wasting of any resource.

By the way, I plan to "Power wash my house" a couple of times (not to forget my car, truck and Vespa scooter) before the rainy season, to wash off the "residue" from poorly combusted jet fuel emanating from commercial airliners using San José International Airport. If YOU would like the date and time to view the events, have YOUR staff members see me after "RULES."

YOU should stop all residential growth in San José until water supplies are stabilized.

*Respectfully submitted,*

*David S. Wall*  
*08.28.14*

///  
///  
///

**Cc:** City Attorney / City Auditor / City Manager

David S. Wall

RECEIVED

CITY CLERK

2014 AUG 28 PM 4:54

AT OTC

August 28, 2014

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Mayor Reed should conduct a thorough Public investigation with a truthful report concerning alleged WPCP hiring practices before WPCP fails and releases RAW SEWAGE upon Alviso residents.**

Dateline: City Desk [Thursday, (08.28.14)]. *Is the "cloak of administrative invisibility" being worn at ESD?*

**Pertinent background information:**

The ongoing effects of Measure B continue to wreak havoc with the recruitment and retention of WPCP Plant Operators. A recent development concerning the unexpected and hasty departure of the Division Manager assigned to WPCP operations alleges an additional rationale to justify or not to justify the expenditures for "Temporary staffing of Plant Operators at the WPCP."

The allegation of "hiring a friend" thereby intentionally excluding all others to fairly compete for the aforementioned management position and promotional opportunity has gained traction. Combined with the effects of Measure B, WPCP Plant Operators have no choice but to seek promotional opportunities elsewhere.

Further, as a result of allegedly "hiring a friend" for the aforementioned position and the resulting foreseeable exodus of WPCP Plant Operators; did Environmental Services Department (ESD) Senior Staff inform Council of this alleged development or did ESD Senior Staff choose to "bury this issue" alongside other pieces of their soiled administrative laundry? In other words, did ESD Senior Staff shield from detection, the results of "hiring a friend" from Council as a material reason why WPCP Plant Operators do not want to seek employment with the City of San José and or wish to leave City service as soon as another position with an outside agency presents itself? <http://sanjoseca.gov/DocumentCenter/View/34267>

The drama has only intensified at WPCP with the unexpected and hasty departure of the Division Manager assigned to WPCP operations. Additional allegations have surfaced indicating the Division Manager was ordered by ESD Senior Staff to intentionally "beat-up on WPCP Plant Operators" using administrative methodologies to achieve a desired administrative goal yet to be fully ascertained for discussion. As a direct and proximate cause of the aforementioned allegations, several WPCP Plant operators rebelled at this alleged mistreatment. ESD Senior Staff now concerned about having to go to Council for additional funding for "Temporary staffing" of Plant Operators, allegedly initiated actions that resulted in the unexpected and hasty departure of the aforementioned Division Manager on or about Friday (08.22.14). ESD Senior Staff on or about Monday (08.25.14) published a Departmental wide email inviting all WPCP Plant Operators to seek the vacated Division Manager's position with an alleged caveat the position would only be filled from within the cadre of the WPCP Plant Operators. *Does it take "A worried management to portray a worried management look?"*

Below is the text of a pending "Request for Public Record Information."

**"Request for PUBLIC RECORD INFORMATION: [Temporary Staffing: WPCP Operators]**

**This request for Public Record information concerns itself with the San José / Santa Clara Water Pollution Control Plant (WPCP).**

**This request focuses on "Temporary Staffing for WPCP Plant Operators."**

**I request the following Public Record Information;**

- **The identity of the Agency used for "Temporary Staffing of WPCP Plant Operators.**
- **The amount of funding requested of the aforementioned Agency.**
- **Documents to the Treatment Plant Advisory Committee (TPAC) and to Council concerning the aforementioned." Thank-You to all!**

Cc: City Attorney / City Auditor / City Manager...*Respectfully submitted,*

*David S. Wall*  
08.28.14



David S. Wall

San Jose City Clerk

August 28, 2014

2014 AUG 28 PM 4:55

AT OTC

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Does the Housing Department Director have a Material Conflict of Interest with "Non-Profits?"**  
**Destination: Home** has received \$635,000 so far in FY 2013-2014 from the Housing Department.  
**The Health Trust** has received \$50,000 so far in FY 2013-2014 from the Housing Department.  
<http://www.sanjoseca.gov/index.aspx?nid=1348>

Dateline: City Desk [Thursday, (08.28.14)]. *Bureaucratic skullduggery appears to be a foot.*

Below is the text of a pending "Request for Public Record Information."

**"Request for PUBLIC RECORD INFORMATION:  
[Housing Department; The Health Trust and Destination: Home (SET 1)]**

**This request for Public Record Information concerns itself with the Housing Department for the City of San José.**

**Pertinent background information:**

**The City of San José's Housing Director is a member of "Destination: Home's Leadership Board."**  
"Destination: Home's Leadership Board members serve as the decision making body for the organization and sets policy and strategic direction." <http://www.destinationhomescc.org/about.htm>

The Health Trust's Leadership Team Members *includes* the Executive Director; Destination: Home  
<http://healthtrust.org/about/leadership-team/>

**I request the following Public Record Information;**

- Does the Director of Housing receive compensation, of any kind, for services rendered on **"Destination: Home's Leadership Board?"** Please identify compensation package.
- Please list all other Boards, advisory panels, etcetera and participation thereon by **The City of San José Housing Director and Assistant Director** with "Non-profits" receiving any and all monies from the City of San José Housing Department.
- How much taxpayer monies, identified by FUND type, were allocated to; The Health Trust for Fiscal Year (FY); 2010-2011, 2011-2012, 2012-2013, 2013-2014?
- How much taxpayer monies, identified by FUND type, were allocated to; Destination Home for Fiscal Year (FY); 2010-2011, 2011-2012, 2012-2013, 2013-2014?
- List all the "Non-Profits" receiving taxpayer monies from the Housing Department."

\*\*\*\*\***Mayor Reed** should order a thorough "Public investigation and truthful report" as to the activities and relationships of the Director and Assistant Director of the City of San José Housing Department, with all "Non-Profits" receiving any monies authorized for dispersal by the aforementioned.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

*David S. Wall*  
08.28.14